IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 2775 OF 2007

Abu Zaid Mohammad Shabbir Khan. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

A.P.Mundargi with P.P.Runwal for the applicant.

Ms.S.D.Shinde, A.P.P. for the State.

CORAM: V.C.DAGA, J.

DATED: 12th October 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. This application is under section 438 of Code of Criminal Procedure, 1973. The applicant is apprehending his arrest in C.R.No.67/2006 registered with Wadner Bhairav Police Station, taluka- Chandwad, district- Nashik for the offences punishable under sections 379, 411, 427 read with section 34 of Indian Penal Code on the basis of the complaint filed by one Hemant Sukhdeo Bansod, Junior Engineer, Wadai Bhoi, taluka- Chandwad, district- Nashik.

3. The prosecution story is that one Mohammad Khalid Abdul Gafur, in his statement, has stated that the copper wire was belonging to one Zaidshet (present applicant) and Dilip Jain. When Dilip Jain and other co-accused were produced before the Magistrate, they were remanded to judicial custody and, thereafter, they were enlarged on bail by order dated 21st November, 2006. The case of the present applicant is on par with the other accused. In this view of the matter, applying principle of parity, the applicant would be entitled to bail In the circumstances, I am inclined to grant pre-arrest bail to the applicant, subject to the following conditions:

(a) In the event of arrest of the applicant in connection with C.R.No.67/2006 registered with Wadner Bhairav Police Station, taluka- Chandwad, district- Nashik, he shall be released on bail in the sum of Rs.25,000/- with one or two sureties to make up the said amount.

(b) The applicant shall report to the concerned Police Station once in a week, i.e. on every Friday between 3.00 p.m. to 5.00 p.m. and shall co-operate with the

investigating agency.

(c) The applicant shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(d) This order of anticipatory bail shall operate till the filing of the chargesheet. After filing of chargesheet, it would be open for the applicant to apply for regular bail before regular court.

(e) It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

4. Application stands disposed of accordingly.

JUDGE